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OFFICE OF PETITIONS

In re Application of:
Thrift et al.
Application No. 08/419,229
Filed: April 10, 1995
Docket No.: TI-20205

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LETTER

This application is again before this office due to the paper filed October 14, 2005, self-styled as a "request for reconsideration" of the final agency action mailed October 6, 2005.

Applicants filed a petition to expunge May 4, 2004, which was answered by the USPTO. See Agency action issued on February 17, 2005.

Applicants then filed on a "REQUEST FOR RECONSIDERATION OF DECISION ON PETITION BY COMMISSIONER," which was also answered by the USPTO in the final agency denial. See Final agency action issued on October 6, 2005. It is noted that the USPTO Director has delegated his authority to decide expunge petitions to the Office of the Deputy Commissioner for Patent Examination Policy. 35 U.S.C. § 3(b)(3)(B); 37 C.F.R. § 1.181(g); MPEP § 1002.02(b)(34).

Applicants then filed the instant "REQUEST FOR RECONSIDERATION BY THE COMMISSIONER OF DECISION DENYING PETITION TO EXPUNGE - 37 C.F.R. § 1.59(b)," their third petition submission, notwithstanding the final agency action of October 6, 2005.

However, as the USPTO has already denied applicants' petition/reconsideration request in the "final" agency action, citing MPEP § 1002.02 ("a denial of a petition may be viewed as a final agency decision"), applicants' second reconsideration request will only be placed in the file.

Charles Pearson
Director, Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

* A "definitive ruling" may form the basis for final agency action. FTC v. Standard Oil, 449 U.S. 232, 243 (1980).